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 ORACLE AMERICA, INC.

18 UNITED STATES DISTRICT COURT  
 19 NORTHERN DISTRICT OF CALIFORNIA  
 20 SAN FRANCISCO DIVISION

21 ORACLE AMERICA, INC.  
 22 Plaintiff,  
 23 v.  
 24 GOOGLE INC.  
 25 Defendant.

Case No. CV 10-03561 WHA

**[PROPOSED] ORDER RE ORACLE  
 AMERICA, INC.'S MOTION FOR  
 JUDGMENT AS A MATTER OF  
 LAW UNDER RULE 50(B) OR, IN  
 THE ALTERNATIVE, FOR A NEW  
 TRIAL**

Date: July 26, 2012  
 Time: 8:00 a.m.  
 Dept.: Courtroom 8, 19th Floor  
 Judge: Honorable William H. Alsup

1 Before the Court is Oracle America, Inc.'s Motion for Judgment as a Matter of Law Under  
2 Rule 50(b) or, in the Alternative, For a New Trial. The Court, having considered the papers filed  
3 in support of an in opposition to the motion, the arguments presented at the hearing, and other  
4 matters relevant to the determination of this motion, hereby **GRANTS** Oracle's motion for  
5 judgment as a matter of law under Rule 50(b) that:

6 (1) Oracle owns the asserted copyrighted works; (2) Google infringed Oracle's copyrights  
7 by copying comments in Oracle's CodeSource.java and CollectionCertStoreParameters.java files;  
8 (3) Google infringed Oracle's copyrights by copying from Java documentation into Android  
9 documentation; (4) Google's copying from the 37 Java API packages at issue in this action was  
10 not a fair use; (5) The material Google copied from the 37 Java API packages is copyrightable;  
11 (6) Google infringed Oracle's copyrights by creating an unauthorized derivative work; (7) Google  
12 infringed the asserted claims of the '104 patent; and (8) Google infringed the asserted claims of  
13 the '520 patent.

14  
15 [In the alternative, the Court **GRANTS** Oracle's request for a new trial on the issues of:  
16 (1) Google's copying of comments in Oracle's CodeSource.java and  
17 CollectionCertStoreParameters.java files; (2) Google's copying from Java documentation into  
18 Android documentation; (3) Google's creation of an unauthorized derivative work; (4) the  
19 copyrightability of the 37 Java API packages at issue in this action; and (5) Google's  
20 infringement of the asserted claims of the '104 and '520 patents.

21 In addition, because the jury did not reach a verdict on Google's defense of fair use,  
22 Oracle is entitled to a new trial on that issue.]

23  
24 **IT IS SO ORDERED.**

25  
26 Dated: \_\_\_\_\_

\_\_\_\_\_  
27 Honorable William H. Alsup  
United States District Court Judge